

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**COMMITTEE TO RESTORE
ARKANSANS' RIGHTS**

PLAINTIFF

VS.

CASE NO. 4:18-CV-333-KGB

**LESLIE RUTLEDGE, in her capacity as
Attorney General for the State of Arkansas**

DEFENDANT

DRIVING ARKANSAS FORWARD

INTERVENOR-PLAINTIFF

**BRIEF IN SUPPORT OF PLAINTIFFS' AND INTERVENOR-PLAINTIFFS'
MOTION FOR VOLUNTARY DISMISSAL**

Plaintiff, Committee to Restore Arkansans' Rights, and Intervenor-Plaintiff, Driving Arkansas Forward, by and through their attorneys, Steel, Wright, Gray & Hutchinson, PLLC, in support of its Motion for Voluntary Dismissal, state:

I. FACTS

On May 1, 2018, Plaintiff filed its original complaint in the Circuit Court of Pulaski County, Arkansas, seeking to have the circuit court declare that Ark. Code Ann. § 7-9-107(c) directly contradicts Article 5, Section 1 of the Arkansas Constitution and is therefore unconstitutional on its face and, alternatively, that the Attorney General is unconstitutionally applying the statute. The deadline for Plaintiff and Intervenor-Plaintiff to publish an approved and certified proposed measure is June 6, 2018 and the deadline to obtain 84,859 signatures is July 6, 2018. On May 2, 2018, Plaintiff filed an amended complaint, served Defendant with summons, the original complaint, and an amended complaint. Also, on May 2, 2018, the circuit court scheduled an emergency hearing on

May 18, 2018 at 10:00. On May 18, 2018, less than an hour prior to the scheduled emergency hearing, the Defendant filed its notice of removal. (Doc. 1). Given the time sensitive nature of this action, instead of contesting the Defendant's notice of removal, Plaintiff and Intervenor-Plaintiff move that this action be dismissed without prejudice under Federal Rule of Civil Procedure 41(a)(2), and Plaintiff and Intervenor-Plaintiff will refile their action in state court. Plaintiff and Intervenor-Plaintiff request that this Motion receive expedited consideration.

WHEREFORE, Plaintiff and Intervenor-Plaintiff requests that the Motion be Granted, that this action be dismissed without prejudice.

DATED THIS 18TH DAY OF MAY, 2018

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Attorneys for Petitioners

CERTIFICATE OF SERVICE

I, Alex T. Gray, do hereby certify that a true and correct copy of the foregoing was served on all counsel of record via the Court's electronic filing system, this 18th day of May, 2018:

/s/ Alex T. Gray
Alex T. Gray